

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LP MATTHEWS, L.L.C.)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1507-SLR
)	
BATH & BODY WORKS, INC.; LIMITED)	
BRANDS, INC.;)	
KAO BRANDS CO.)	
(f/k/a THE ANDREW JERGENS)	
COMPANY); and KAO CORPORATION)	
)	
Defendants.)	

**JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE OF BATH & BODY
WORKS, INC.'S AND LIMITED BRANDS, INC.'S COUNTERCLAIMS**

Defendants Bath & Body Works, Inc. and Limited Brands, Inc. (collectively “the Limited defendants”) and plaintiff LP Matthews, L.L.C. (“LP Matthews”), by and through their respective attorneys, submit this Joint Stipulation of Dismissal without prejudice of the Limited defendants’ counterclaims against LP Matthews pursuant to Fed. R. Civ. P. 41(a)(1).

On February 2, 2005, LP Matthews filed an Amended Complaint (D.I. 5) for willful patent infringement against the Limited defendants, Kao Brands Co., and Kao Corporation. Thereafter, the Limited defendants filed an Answer, Affirmative Defenses, and Counterclaims to LP Matthews’ Amended Complaint (D.I. 22). Specifically, the Limited defendants filed counterclaims for declaratory judgment of non-infringement, declaratory judgment of patent invalidity, and exceptional case. LP Matthews filed its reply to the Limited defendants’ counterclaims on April 26, 2005 (D.I. 26).

On October 19, 2006, the Court issued a memorandum opinion and order granting summary judgment of non-infringement to the Limited defendants, Kao Brands Co., and Kao Corporation (D.I. 362, 363).

Accordingly, pursuant to Fed. R. Civ. P. 41(a)(1), the Limited defendants and LP Matthews hereby stipulate to dismissal without prejudice of the Limited defendants' counterclaims against LP Matthews. The Limited defendants do not hereby waive any rights they may have in this matter pursuant to Fed. R. Civ. P. 54(d).

A proposed Order of Dismissal is attached.

ASHBY & GEDDES

/s/ John G. Day

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Dated: November 8, 2006

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Plaintiff,)	
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BATH & BODY WORKS, INC.; LIMITED)	
BRANDS, INC.;)	
KAO BRANDS CO.)	
(f/k/a THE ANDREW JERGENS)	
COMPANY); and KAO CORPORATION)	
)	
Defendants.)	

ORDER

Upon consideration of the Joint Stipulation of Dismissal without prejudice of Bath & Body Works, Inc.'s and Limited Brands, Inc.'s counterclaims,

IT IS ORDERED that:

Bath & Body Works, Inc.'s and Limited Brands, Inc.'s counterclaims for declaratory judgment of non-infringement, declaratory judgment of invalidity, and exceptional case are hereby dismissed without prejudice.

SO ORDERED this _____ day of November, 2006.

Chief Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 8th of November, 2006, the attached **JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE OF BATH & BODY WORKS, INC.'S AND LIMITED BRANDS, INC.'S COUNTERCLAIMS** was served upon the below-named counsel of record at the address and in the manner indicated:

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VIA ELECTRONIC MAIL

/s/ John G. Day

John G. Day